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**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES,

Plaintiff

No. 1:CV-01-1015

v.

Judge Kane

YORK COUNTY POLICE :  
DEPARTMENT, AGENT JAMES H. :  
MORGAN, DET. RICHARD :  
PEDDICORD, DET. RAYMOND E. :  
CRAUL, SGT. GENE FELLS, DET. :  
KESSLER, C/O BAYLARK, DET. :  
ANTHONY GLOWCZEWSKI, AGENT :  
RANDY SIPES, AGENT BRIAN :  
WESTMORELAND :

Defendants :

FILED  
HARRISBURG

DEC 28 2001

MARY E. D'ANDREA, CLERK  
Per gk DEPUTY CLERK

**MOTION TO DISMISS**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendants Morgan, Peddicord, Craul, Fells, Kessler, Glowczewski and Westmoreland, move the Court to dismiss the complaint against them for failure to state a claim upon which relief may be granted.

A brief in support of this motion will be submitted within ten (10) days pursuant to Local Rule 7.5 of the United States District Court for the Middle District of Pennsylvania.

**WHEREFORE**, the complaint should be dismissed.

Respectfully submitted,

**D. MICHAEL FISHER**  
Attorney General

By: Linda S. Lloyd  
**LINDA S. LLOYD**  
Deputy Attorney General  
I.D. #66720

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**Harrisburg, PA 17120**  
**(717) 705-7327**

**SUSAN J. FORNEY**  
Chief Deputy Attorney  
Chief, Litigation Section  
**COUNSEL FOR**  
**STATE DEFENDANTS**

Dated: December 28, 2001

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TYRONE P. JAMES,

Plaintiff :  
: No. 1:CV-01-1015

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MORGAN, DET. RICHARD

PEDDICORD, DET. RAYMOND E.

CRAUL, SGT. GENE FELLS, DET.

KESSLER, C/O BAYLARK,

Defendants :

**CERTIFICATE OF SERVICE**

I, Linda S. Lloyd, Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on December 28, 2001, I served a true and correct copy of the foregoing Motion to Dismiss, by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

Tyrone P. James  
York County Prison  
3400 Concord Road  
York, PA 17402

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Law Office of Donald L. Reihart  
2600 Eastern Blvd., Suite 204  
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*Linda S. Lloyd*  
LINDA S. LLOYD  
Deputy Attorney General